

07 CIV 8255

JUDGE CASTEL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

The Bank of New York Trust Company, N.A., as  
Trustee,  
**Plaintiff,**

-v-

First Magnus Capital, Inc. and Thomas W.  
Sullivan, Sr., as Trustee of the Thomas  
W. Sullivan Revocable Trust,

**Defendant**

Case No.

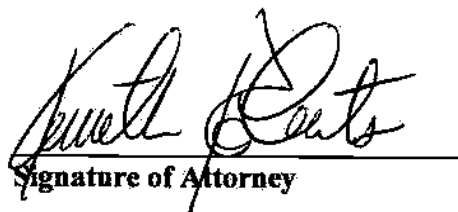
**Rule 7.1 Statement**

SEP 21 2007

CLERK OF COURT  
CASTERS

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for The Bank of New York Trust Company, N.A. (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

Bank of New York Mellon Corporation

**Date:** September 20, 2007  
Signature of Attorney**Attorney Bar Code:** KR6960